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Security Council

Fifty-ninth year

Provisional

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Saturday, 18 September 2004, 3.35 p.m.

New York

President:	Mr. Yáñez-Barnuevo	(Spain)
Members:	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Danforth

Agenda

Report of the Secretary-General on the Sudan

Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004) (S/2004/703)

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04-51529 (E)

The meeting was called to order at 3.35 p.m.

Adoption of the agenda

The agenda was adopted.

Report of the Secretary-General on the Sudan

Report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council resolution 1556 (2004) (S/2004/703)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of the Sudan, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Erwa (Sudan) took a seat at the Council table.

The President (*spoke in Spanish*): On behalf of the Council, I welcome the presence at this meeting of the Secretary-General, Mr. Kofi Annan.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General pursuant to paragraphs 6 and 13 to 16 of Security Council 1556 (2004), document S/2004/703.

Members of the Council also have before them document S/2004/744, which contains the text of a draft resolution submitted by Germany, Romania, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I wish to draw the attention of the members of the Council to document S/2004/739, containing the text of a letter dated 16 September 2004 from the representatives of Australia, Canada and New Zealand addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Baali (Algeria) (*spoke in French*): Algeria has been following attentively, and with profound concern, developments in the situation in Darfur and in its impact on the civilian population, which faces an unprecedented humanitarian crisis. We have followed those developments all the more attentively and with all the more concern because the tragedy affects a country and populations that are bound to my country and my people by exceptionally strong fraternal relations. The unspeakable, tragic suffering daily experienced by those populations powerfully demands our involvement. It is our fervent desire and our priority objective that this suffering should come to an end as soon as possible.

Therefore — and because Algeria is active in the African Union observer mission in Darfur and in the Peace and Security Council of the African Union, of which it is a member — my country has been unstinting in its humanitarian and political efforts, and has worked with the discretion and effectiveness required to restore peace and stability to that part of the Sudan and to enable displaced populations to return to their homes in calm and security.

It is in that spirit that from the very outset Algeria has lent its full support to the efforts of the African Union, in the conviction that President Obasanjo — who is fully committed to attaining a political solution — will succeed in bringing the parties concerned together. We are convinced too that the African Union will maintain constant contact with the Sudanese Government to ensure its full cooperation with the United Nations and with the African Union. We are all aware that there is no alternative to the Sudanese Government's active cooperation, so that, with the support of the African Union and the international community, the suffering of the population of Darfur may come to an end.

Our conviction that the African Union is the most appropriate organization to seek a settlement to the crisis in all its dimensions was further strengthened by

the attainment on 1 September of an agreement among the parties on humanitarian issues, and even more so when we saw the Sudanese Government itself taking the initiative to request the African Union to step up its presence in Darfur, as confirmed in a letter dated 7 September from the Chairperson of the African Commission addressed to the Secretary-General.

Moreover, both the Secretary-General and his Special Representative have noted significant progress in Darfur, while pointing out areas where this is lacking. And Mr. Pronk even paid tribute in this Chamber to the Government of Sudan for the progress it has made and for the good will shown in its relationship with the United Nations.

Because of the progress made and in the light of the Secretary-General's report (S/2004/703), we therefore naturally expected the Security Council to take note of that progress and to urge the Sudanese Government to undertake further efforts in areas where shortcomings have been highlighted — particularly in the area of security, which will be a source of legitimate concern for the whole international community if we do not set strict parameters to be respected.

We also expected that the Security Council would call on the rebel groups to try harder to arrive at a just and final settlement of the crisis and that — together with the African Union, which had decided to do so — it would call for the cantonment of rebel forces in mutually agreed sites, simultaneously with the Sudanese Government's disarmament of the armed militias.

Because neither the Secretary-General nor his Special Representative recommended that, and because we believed that a dynamic of cooperation had replaced the spirit of confrontation, we did not expect the Security Council to threaten the Sudanese Government once again with recourse to sanctions.

Despite the improvements that were made, the text before us today poses problems, for the following reasons.

First, in our view, it does not really do justice to the Government of the Sudan — which has taken initiatives and carried out actions that go in the right direction — and highlights only the shortcomings that have been noted.

Secondly, it envisages the possibility of using sanctions against the Sudan, not only if there is a lack of compliance with the Security Council resolution, but also if there is a lack of cooperation with the African Union concerning the extension of its mandate, even though Sudan has itself officially requested the extension and strengthening of the mandate of the African mission in Darfur and has committed itself to serious cooperation with the United Nations to implement resolution 1556 (2004) and with the African Union to expand its presence in Darfur.

Finally, this text calls for the creation of an international commission of inquiry charged with determining whether genocide has been committed in Darfur, whereas, for the sake of effectiveness and in order to address the urgency and gravity of the crisis, the international community — as attested to by statements of the Secretary-General and the Secretary of State of the United States — had wisely set aside, at least for the time being, the question of whether or not genocide had been committed, so as not to disrupt or jeopardize the delivery of humanitarian assistance and the ongoing African Union efforts aimed at reaching a political settlement.

Those are three basic points concerning which we would have wished the sponsors of the draft resolution to show the same understanding and flexibility that they demonstrated — and we thank them for that — with regard to other aspects of the text, particularly by clarifying and defining the African Union's leading role, for which we are particularly grateful; by removing certain measures that might have been unacceptable assaults on Sudan's sovereignty, such as unrestricted overflight of its territory; and, finally, by underscoring the need to respect the independence, sovereignty, unity and territorial integrity of the Sudan.

Greater flexibility would have enabled the Council to adopt a unified position in the face of the Darfur crisis; I stress that we need to speak with one voice when a tragedy of the scope of that in Darfur challenges us to act together to put an end to it. Unfortunately, that was not the case. Therefore, although we welcome some of the highly positive elements of the draft resolution, we will abstain in the voting on the text.

The President (*spoke in Spanish*): I shall now put to the vote the draft resolution contained in document S/2004/744.

A vote was taken by show of hands.

In favour:

Angola, Benin, Brazil, Chile, France, Germany, Philippines, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

None

Abstaining:

Algeria, China, Pakistan, Russian Federation

The President: The result of the voting is as follows: 11 votes in favour, none against and 4 abstaining. The draft resolution has been adopted as resolution 1564 (2004).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Denisov (Russian Federation) (*spoke in Russian*): The Russian Federation has been closely following the complex political and humanitarian situation in the Sudanese province of Darfur. We share the assessment of the Secretary-General and his Special Representative, Jan Pronk, with regard to its complex development.

The Government of the Sudan has achieved a certain amount of progress in implementing its obligations under Security Council resolution 1556 (2004), particularly in the humanitarian area. However, much remains to be done to normalize the security situation, including disarming the Janjaweed and other outlaw armed groups. We need to ensure the reliable protection of the civilian population in Darfur. Here, the main responsibility still lies with the Sudanese authorities. The rebels too must implement their obligations.

The Security Council is called upon to respond to the request of the members of the African Union and to fully support their efforts to monitor the implementation of resolution 1556 (2004) and the agreements reached with the United Nations. We note progress in the dialogue between the African Union and Khartoum on that issue, and we hope for the swift achievement of concrete results. It is also important that we continue to support the Abuja and Naivasha negotiating processes in order to achieve a comprehensive peaceful settlement in the Sudan.

The Russian delegation participated constructively in work to reach agreement on a draft resolution containing those points of principle. We are convinced that threatening sanctions is far from the best method of inducing Khartoum to fully implement its obligations to the United Nations. In order to do that, we should use approved diplomatic methods.

We also feel that it is counterproductive to link the possibility of introducing sanctions and the peace-building efforts of the African Union. We should abide strictly by the provisions of Chapter VIII of the Charter on cooperation with regional organizations.

Unfortunately, the sponsors of the draft resolution did not take those main concerns of ours into account, although the text was improved in the course of consultations. Faced with that situation, the Russian delegation was unable to support the document. Russia will continue to work actively to promote — including within the Security Council — the swift stabilization of the situation in Darfur and in the Sudan as a whole.

Mr. Wang Guangya (China) (*spoke in Chinese*): Over the past few months, the situation in Darfur has gradually improved and it is now moving in the right direction, thanks to: the joint efforts of all the parties, in particular the African Union; the joint communiqué between the Sudanese Government and the Secretary-General, Mr. Kofi Annan, signed on 3 July; and, especially, the signing in early August of the Plan of Action by the Sudanese Foreign Minister and the Special Representative of the Secretary-General. The Sudanese Government has shown its sincerity in trying to resolve the problem, and has adopted many measures accordingly. That objective reality cannot be denied.

Under those circumstances, and given the complexity of the Darfur issue, the Security Council and the international community should focus on encouraging the Sudanese Government to continue to cooperate, rather than doing the opposite. We should fully support the African Union in its mediation efforts, rather than increase its difficulties. We should help bring about an early agreement with a view to the achievement of a political solution between the Sudanese Government and the rebels, rather than send the wrong signal and make negotiations more difficult. We should increase humanitarian assistance to Darfur, rather than create a situation that could lead to the closing of the door to relief and assistance.

For those reasons, the Chinese delegation has serious reservations about the resolution just adopted. We are concerned that it will not contribute to the solution of the problem. Nevertheless, since a key element of the Council's work at present is support for the African Union in extending its deployment in Darfur — reflecting the wishes of the African Union and of the Secretary-General, as well as the broad consensus view — the Chinese delegation refrained from blocking the adoption of the draft resolution.

The Chinese Government greatly appreciates the enormous, valuable efforts being made by the African Union in seeking a solution to this issue. We support expanding the African Union's deployment in Darfur, and we call on the international community to offer all possible assistance to that end. We continue to believe that only a political settlement, achieved through negotiation, will lead to a final resolution of the Darfur crisis. We therefore hope that the Government of the Sudan and the rebel groups will accelerate their political talks in order to achieve a comprehensive agreement at an early date.

The international community should make vigorous efforts to create favourable conditions for the talks. At the same time, the international community must urge the Sudanese Government not only to improve the security situation in Darfur, but also to promptly fulfil all its commitments with regard to assistance. Those donor countries with the capacity to do so, in particular, should offer all the assistance that they can. That is the only way in which we can effectively save lives and provide help to those who need it.

Finally, we have noted that the sponsors have repeatedly stated that the threat of sanctions will not be automatically carried out. I wish to reiterate the fact that China's position against sanctions remains unchanged. It has been our consistent view that, instead of helping to solve complicated problems, sanctions may make them even more complicated.

Mr. Danforth (United States of America): Since he appointed me as special envoy more than three years ago, I have had numerous discussions with President Bush on the subject of the Sudan. Yesterday afternoon he phoned me to ask that I convey his strongly held views on the resolution just adopted by the Security Council. He said that Darfur is a catastrophe that the Council should address on an urgent basis. He underscored the importance of the expanded mission of the African Union, which he asked us to support by this resolution and logistically. He asked that the international community fulfil its commitments to humanitarian assistance for the people of Darfur. He said that, in the long run, security in Darfur will depend on successful peace talks in Abuja and on the expeditious completion of the Naivasha negotiations. In short, President Bush asked me to convey his strong support for what we are doing this afternoon.

The resolution has a threefold purpose. First, it throws the full weight of the Council behind the African Union in undertaking an increased mission in Darfur. It calls on the international community fully to support the African Union and the efforts of President Obasanjo. Secondly, it calls for the completion, on an urgent basis, of the Naivasha and Abuja negotiations, as essential to creating a peaceful, prosperous and united Sudan. Thirdly, it calls on the international community to fulfil urgently its pledges of humanitarian assistance to the people of Darfur.

We are acting today because the Government of the Sudan has failed to fully comply with our earlier resolution 1556 (2004), adopted on 30 July. Today's resolution demands that the Government of the Sudan meet in practice its verbal commitment to accept an increased number of African Union monitors. The resolution also states that if the Government of the Sudan continues to persecute its people and does not cooperate fully with the African Union, the Council will, indeed, have to consider sanctions against it and against individuals responsible for the disaster.

The resolution is the product of a negotiating process. It reflects the wishes of some delegations to recognize that the Government of the Sudan has met some of its commitments with regard to access for humanitarian assistance. But no one should be under the slightest illusion as to why the Government of the Sudan met even that commitment. It did so because of intense pressure from the international community, and it did so with great reluctance and after long delays that thwarted an early, effective humanitarian response.

The crisis in Darfur is uniquely grave in two respects. First, it is the largest humanitarian disaster in the world today, having claimed more than 50,000 lives, having displaced more than 1.2 million people and having resulted in the rape and humiliation of hundreds of thousands more. More than 2.2 million

people have been victimized in one way or another by the actions of the Sudanese Government. And I note with concern that a recent report by the United Nations Children's Fund warns that the humanitarian crisis will likely worsen in the coming weeks.

Secondly, the disaster in Darfur is entirely man-made. Unlike natural disasters, such as hurricanes and droughts, the tragedy in Darfur was entirely avoidable. It was fabricated by a Government — intent on revenge, intent on persecution, intent on breaking the spirit of an entire people — as an over-reaction to a rebellion.

Since the Security Council adopted resolution 1556 (2004) on 30 July, the violence in Darfur has continued. The Secretary-General's Special Representative, Mr. Pronk, reported that armed militias continue to threaten civilians. Mr. Pronk reported that during the second half of August, militias attacked villages in the Yassin area, killing more than 50 people. He reported that some villages were attacked three or four times. Some were looted, others completely destroyed. He also described reports of regular attacks on villages in western Darfur, including Nertiti and Masteri. He reported continuing allegations of theft and sexual attacks throughout the region. He noted that the Government had denied humanitarian workers access to the Kalma camp, and he criticized the Government for refusing to identify the perpetrators of those crimes by name. Finally, Mr. Pronk discussed the deeply rooted fear of the people of Darfur towards the Government of the Sudan and its police forces. With more than 400 villages destroyed to date, such fears are more than justified.

Norwegian State Secretary Helgesen visited Sudan and Chad from 2 to 6 September and came to similar conclusions. Members of the African Union Ceasefire Commission informed him that Sudanese helicopters and bombers had been involved in several recent attacks on villages in Darfur. On one occasion, the Norwegian delegation witnessed an armed Sudanese Government Mi-24 helicopter take off from Al Fasher. Later, the delegation received reports that the helicopter had likely been involved in an attack on a village.

Mr. Pronk's conclusions and those of Mr. Helgesen are consistent with the results of a recent survey taken by the United States State Department. In compiling its data, State Department officials interviewed 1,136 randomly selected refugees in 19 locations in eastern Chad. Sixty-one per cent had witnessed the killing of a family member. Four fifths had witnessed the destruction of their homes. Over and over again, the interviewers heard the same story. Government aircraft start the attacks by bombing villages. Government soldiers arrive in trucks, followed by Janjaweed on horseback. They surround and then enter the villages, guns blazing. They shoot and bomb fleeing villagers. They loot and destroy the villages, often shouting racial epithets and curses as they proceed with their acts of destruction. They leave behind them nothing but devastation and death. And, importantly, nine in ten of the refugees said that they had witnessed no rebel activity in the areas so mercilessly attacked by the Government and the Janjaweed.

These are indiscriminate acts of violence and terror. Secretary of State Powell recently told Congress that this evidence leads the United States to conclude that the Government of the Sudan may be condoning and perpetrating genocide. In that light, we expect the Government of the Sudan immediately to facilitate an increased African Union presence in Darfur and to comply with the other provisions of today's resolution.

We note the letter from the Sudan's Permanent Representative promising his Government's full cooperation with the African Union. We note further that previous promises of the Government of the Sudan have been made on paper but not honoured in practice. The Government of the Sudan has the responsibility to end the tragedy in Darfur. We expect it to do so.

Mr. Akram (Pakistan): Pakistan abstained in the vote on the draft resolution adopted by the Council today, and I would like to explain our reasons.

On 30 July this year, the Council adopted resolution 1556 (2004). Within a week of the adoption of that resolution, the Government of the Sudan and the Special Representative of the Secretary-General, Mr. Pronk, agreed on the Darfur Plan of Action. The Plan acknowledged that the Government of Sudan may not be able to fulfil all the requirements of resolution 1556 (2004) within 30 days.

In his briefing to the Council on 2 September (see S/PV.5027), Mr. Pronk reported positively on 10 of the 12 areas, in which the Government had made progress in fulfilment of its commitments. In two areas, the Special Representative of the Secretary-General

reported that the Government had not met its commitments. Humanitarian access had improved overall, and things seemed to be moving in the right direction. The Government of the Sudan was fully engaged with the African Union. Peace talks had commenced in Abuja. That trend deserved to be encouraged.

However, the draft resolution presented by the sponsors was consistent neither with the report of the Secretary-General (S/2004/703) nor with the briefing of the Special Representative. It failed to recognize the progress that had been achieved. We were told that the central purpose of the draft resolution was to strengthen the African Union's role. However, the provisions of the original draft resolution did not reflect that central purpose.

Nevertheless, the Pakistan delegation remained constructively engaged in the negotiations. We circulated our suggestions to improve the draft resolution's provisions and make it more balanced. We welcome the reflection of several of those suggestions in the final text, including acknowledgement of the steps taken by the Government of the Sudan to improve humanitarian access, greater emphasis on the obligations of the rebel groups and reaffirmation of the sovereignty, unity and territorial integrity of Sudan, which we believe must be upheld unconditionally in accordance with the Charter. We particularly welcome the greater emphasis on the central role of the African Union.

Nevertheless, we have stated from the outset that Pakistan cannot endorse the use, or the threat of use, of sanctions, which we believe would be unhelpful in this situation. That was why we abstained in the vote on resolution 1556 (2004). Considering that progress had been made, we did not feel it was justifiable or necessary to threaten sanctions explicitly and solely against the Government of the Sudan, sanctions which are much broader in scope and more stringent in their potential impact even compared to resolution 1556 (2004). It has also been our concern that apart from being unfair, such a threat might provoke a response that would be counterproductive, threatening international humanitarian relief and eroding the mediatory efforts of the African Union. It could also harden the position of the rebels, as appears to have already happened.

Pakistan agrees that the Security Council can and must make a useful contribution. We can do so primarily by supporting the African Union's efforts. We therefore look forward to the meeting of the Security Council with the President of Nigeria, the current Chairman of the African Union, His Excellency Mr. Olusegun Obasanjo, on 24 September.

Mr. Pleuger (Germany): We welcome the fact that the Council has adopted resolution 1564 (2004). It addresses a situation in Darfur that was dramatic when the Council adopted resolution 1556 (2004) and is still dramatic today.

Since the end of July, we have seen some progress on the part of the Sudanese Government. It has to be said, however, that this progress was limited in scope and that, more important, there was no verifiable progress in key areas of resolution 1556 (2004), such as the disarmament of the Janjaweed, the prosecution of human rights violations and the overall security situation for the population and the internally displaced persons in Darfur.

In this resolution, we again call on the Government of the Sudan to fulfil its responsibility towards its own population and its commitments under resolution 1556 (2004). We are convinced that we need to apply — and to continue to apply — pressure to achieve that goal, but we also want to pursue a dialogue with the Sudan on the best way to honour those commitments.

In that regard, we would like to commend the Secretary-General and his Special Representative, Jan Pronk, for their work, which has been an arduous attempt to find the right balance between pressure and dialogue.

We believe that the present resolution also strikes that right balance. That is why Germany decided to co-sponsor the resolution. We are convinced that we need to maintain pressure that includes the threat of sanctions without creating any automaticity. Going back behind resolution 1556 (2004) in that respect would have undermined the Council's credibility and served the suffering people of Darfur very badly.

We also believe that there is a necessity to establish a commission of inquiry to end the culture of impunity in the Sudan and help restore some measure of trust that justice will be done. We further believe that this is not only important for now, but that doing

justice is also a prerequisite for the phase of rebuilding the country and for reconciliation, as we have seen in other crisis areas.

The main point of the resolution, however, is to support the role of the African Union in solving the Darfur crisis and to obtain the cooperation of the Sudanese Government with an expanded African Union mission. We sincerely appreciate the willingness of the African Union to assume an even greater role in Darfur and in offering its cooperation to the Sudan. The Government of the Sudan should make use of this opportunity very rapidly and demonstrate that it is prepared to take up that offer. It has already taken one step in that direction in its letters to the Council; now it must follow up with action. Germany and the European Union are presently considering further substantial support for the African Union mission.

In the coming weeks, we will have to keep developments in the Sudan under very close scrutiny. At the end of the month, the Secretary-General will again report to us. In deciding what further steps to take then, we have to bear one thing in mind. Our goal is to save lives, to hold parties to the conflict to their obligations, and to achieve lasting peace in the Sudan. We must be prepared to do whatever serves that goal best.

Mr. De La Sablière (France) (*spoke in French*): France voted in favour of the resolution that the United States submitted to the Council for consideration. We have always stated that we should pursue the sole objective of saving human lives. To that end, the Council must act resolutely and responsibly. Indeed, that is the message that we have repeatedly heard from the Secretary-General, whose presence we welcome here today.

First, we must be resolute. We have heard the briefing by Mr. Jan Pronk, the Special Representative of the Secretary-General for the Sudan. Some progress has been made on the ground, as Mr. Pronk noted and the Council acknowledges in resolution 1564 (2004). Clearly, we cannot stop there. As Mr. Pronk also pointed out, we are still waiting for the Janjaweed militia to be disarmed as soon as possible and for the perpetrators of violations of human rights and international humanitarian law to be identified and punished.

To that end, the Council, together with the entire international community, must tirelessly pursue its efforts and actions, requiring our unflagging resolve. We must act with concern for effectiveness in terms of saving human lives. The situation in Darfur, as throughout the Sudan, is complex and our path narrow. Nothing can be done without the exertion of strong pressure. We must also energetically support the African Union. Its role is essential if the international community's requirements are to be met and the necessary cooperation of the Sudanese Government is to be secured.

We feel that resolution 1564 (2004) responds to those objectives and is therefore a good text. France would have wished, however, that it had obtained an even higher number of votes in favour. We place great importance in the Council's unity, which we believe to be crucial in this crisis. It is in that spirit of desire for unity and consensus that we will continue to work in the days and weeks to come to prepare for our next meeting, because the Council now awaits the Secretary-General's report on the implementation of resolution 1564 (2004) by end of the month, pursuant to resolution 1556 (2004).

In conclusion, I wish to note that today's resolution offers fresh hope to the civilian population of Darfur. It is our hope that the very clear message from this Council will be properly heard and well understood by the Sudanese Government and all the parties involved in the crisis. Our demands are clear and must be followed up by action. As I said earlier, no one in Darfur, throughout the Sudan or elsewhere should have any doubt that the Council will continue to act resolutely.

Mr. Adechi (Benin) (*spoke in French*): Benin voted in favour of the resolution that the Council has just adopted, marking a new turning point in the international community's mobilization on behalf of the Sudanese people and in the search for a speedy resolution to the humanitarian tragedy in Darfur. Throughout the negotiations, my delegation strove to contribute to the forging of consensus and the follow-up to the report of the Secretary-General, whose presence we welcome.

The report describes the situation in Darfur and the extent of the Sudanese Government's fulfilment of its obligations to the international community. We should therefore have preferred the Council's unanimity on the matter. We should also have liked the resolution to refer to Chapter VIII of the Charter in

order to highlight the cooperation and consultation necessary between the United Nations and the regional organizations. We felt that the reference in paragraph 14 to the petroleum sector, with respect to the threat of sanctions, lessened the prospect of a consensus, which might have been broader if the sponsors of the resolution had agreed to drop the reference, given the controversy and the controversial interpretations to which it may be subject.

Having said that, Benin generally supports the resolution, which expresses the Security Council's will to remain committed to encouraging the Sudanese authorities to act efficiently to improve the security situation and, above all, to halt the attacks on civilians in Darfur. We firmly support the appeal to donor countries to increase humanitarian assistance for displaced persons. We support the requirement that all militias, in particular the Janjaweed, be disarmed. We support the facilitation of the voluntary return of millions of displaced persons. We support the extensive promotion of the lead role of the African Union. We support the disarmament of the militias and all of the armed factions and the bringing to justice of those responsible for atrocities. Finally, we support the establishment of an international commission of inquiry, under United Nations auspices.

We believe that the international community is well equipped to play a role in finding a solution to the humanitarian crisis. It is urgent that we halt the hecatomb in Darfur. The situation there is totally unacceptable as regards the renewed commitment of the United Nations in favour of human dignity, which is denied to millions of citizens of a country that is a full Member of the United Nations and where the principles enshrined in the Charter proclaim their faith in the fundamental rights and the dignity and the worth of the human being.

We would like to take this opportunity in our turn to make an urgent appeal to all Sudanese parties to cooperate actively with the African Union by accepting the deployment of military observers and protection forces in sufficient numbers to ensure security for humanitarian assistance and to achieve progress in negotiations under way in Abuja so that a political solution to the conflict in Darfur can be achieved as soon as possible.

We urge the international community to increase its assistance to the endangered population to save as many human lives as possible in Darfur and to provide the African Union with the necessary assistance in order to permit a peaceful solution to the conflict and the subsequent management of the peace process.

Sir Emyr Jones Parry (United Kingdom): The United Kingdom welcomes the adoption of this resolution and the presence with us today of the Secretary-General, who has shown such leadership on this issue.

The situation in Darfur remains extremely serious, with over a million people displaced. The most recent figures suggest that there are some 2.5 deaths per 10,000 displaced persons per day. That means that there are still about 8,000 people dying each month. There are widespread security implications for the entire region. It is therefore right and entirely consistent with the facts on the ground that the Security Council should again address this issue under Chapter VII of the Charter.

Today's text acknowledges that there has been some progress by the Government of Sudan in response to resolution 1556 (2004). We very much welcome this, but there is much more to do, particularly in relation to security. The United Kingdom believes it is the pressure of the international community that has been chiefly responsible for this progress. By repeating the clear threat of measures, the Council is underlining our commitment to ensure that the Government of Sudan achieves the targets we have set and, moreover, that it meets its responsibilities, the most basic of which is to protect its own citizens.

The rebels, too, must cooperate. This resolution is also addressed to them. They have responsibilities, in particular to maintain humanitarian access and to respect human rights. This resolution should in no way be interpreted as giving cover to the rebels to carry on unacceptable behaviour.

We welcome the contribution of the African Union to date and the expansion of the African Union's mission. We call on all Member States to provide any assistance required.

There have been many credible reports of widespread violations of international humanitarian law in Darfur. It is therefore right that this Council quickly set up an international commission of inquiry to establish the facts. There can be no impunity. Those guilty of serious violations of international

humanitarian law or human rights must be brought to justice. That applies to all parties to the dispute.

Whatever the decisions taken in this Council, ultimate responsibility lies with the Government of Sudan and the rebel groups. The United Kingdom therefore regrets the adjournment of the Abuja talks without signature of the humanitarian protocol agreed on 2 September. We urge both sides, in particular the rebel groups, to engage fully in those talks when they resume next month to bring about a sustainable resolution of the situation in Darfur. It is only a political settlement in Darfur and in [Nevasha] that can bring sustained peace to the Sudan. My Government — and the European Union more generally — are determined to maintain their support for those political processes.

Mr. Sardenberg (Brazil): Brazil voted in favour of resolution 1564 (2004) on the understanding that its main thrust is that of saving lives in Darfur. When resolution 1556 (2004) was adopted on 30 July 2004 our delegation expressed the understanding that such resolution was the first of a series of decisions to be taken in due time by the Security Council with a view to promoting peace and security in Darfur, alleviating the suffering of more than a million people and putting an end to the humanitarian disaster in that region.

Resolution 1564 (2004) focuses on some of those goals by insisting on the need for further and unequivocal actions by the Government of Sudan in carrying out its primary responsibility to extend protection and security to the civilian population and to rein in the militias, as well as by pressing, in a appropriate manner, the issue of the voluntary return of refugees and displaced persons and by renewing the appeal for urgent international support for humanitarian efforts undertaken both in Sudan and in Chad. We note with interest that the resolution also addresses the issue of the Sudanese rebel groups. In addition it welcomes the steps taken by the Government of Sudan with regard to increased access for humanitarian relief.

Notwithstanding this, we are of the view that resolution 1564 (2004) could have acknowledged other positive steps taken by the Government of Sudan, as outlined by the Secretary-General and by his Special Representative, Jan Pronk — in particular, those concerning the beginning of disarmament and improvement of security in certain areas of internally displaced persons, together with the deployment of additional police. If it had done that, the Council would have firmer grounds for demanding more effective steps, particularly in the security area.

Resolution 1564 (2004) commits the international community to political and military efforts undertaken by the African Union in connection with the crisis in Darfur. Our delegation welcomes this clear engagement, although we believe that the Council should have gone further by basing the appropriate paragraphs of the resolution on Chapter VIII of the Charter. We are convinced that such provision, besides being easily acceptable, would be both timely and appropriate. It would have provided a steadier political and legal basis for the budding cooperation between the United Nations and the African Union in this particular instance.

Actually, the excessive use of Chapter VII as an umbrella for the whole operative part of this resolution — as I had already mentioned at the adoption of resolution 1556 (2004) — runs the risk of misleading all parties concerned, including international public opinion, which may understand that the pacific settlement of disputes, or even diplomatic negotiations, were not among the options considered by the Council. Indeed, the negotiations under the African Union in Abuja allow the Council to continue to nurture positive expectations.

As to the request for immediate action on the establishment of an international commission of inquiry, our major goal continues to be that of avoiding the recurrence of gross violations of human rights. We certainly hope that the precise investigation of recent highly deplorable facts will be possible at the time when the African Union is seeking to have all parties on board as the best way to find a durable political solution to the conflict in Darfur.

Finally, my delegation shares the interpretation that there should not be an automatic application of the measures mentioned in paragraph 14 in that, by mentioning now the possibilities set out in the last part of that paragraph, the Council is not prejudging the nature of its substantive decision, to be taken at an appropriate time.

The President (*spoke in Spanish*): I now call on the representative of Chile, but I wish first to congratulate him on his national day, today.

Mr. Muñoz (Chile) (*spoke in Spanish*): Today Chile voted in favour of this resolution, in order to send a clear political message. We want to see full compliance on Sudan's part with its commitments, and we want to halt the humanitarian catastrophe in Darfur pursuant to the obligations undertaken in resolution 1556 (2004) and in the joint communiqué with the Secretary-General of 3 July. While we duly appreciate the fact that the Government of Sudan has cooperated by complying with some of its promises, as stated in the resolution, those relating to the disarmament of the Janjaweed militia, the protection of the civilian population and bringing to trial those responsible for humanitarian crimes regrettably remain unfulfilled.

At the same time, this resolution gives firm backing to the work of the African Union, both its efforts in facilitating a political agreement between the Government and the rebel groups and the role of the African Union mission. The mission is going to be extended and expanded, which is welcome and is compatible with the regional approach favoured by this Council.

Our message both to the Government of Sudan and to the rebel groups is that we want to see peace in the country, an end to the slaughter and punishment of those responsible. Our country's intention is to see the commitments fulfilled so as to save lives, and not to apply sanctions. Sanctions in themselves have no value. They are, rather, tools with which to achieve higher purposes. We voted for a serious statement of our purposes. The Council will consider further measures only if those conditions are not fulfilled.

Lastly, the request that the Secretary-General set up an international commission of inquiry into every reported case of violations of international humanitarian law seems to us to be essential and urgent in order to establish the facts on the ground.

In short, this resolution is consistent with what the Council has decided in the recent past, and we hope that it will contribute to bringing about a speedy solution to the humanitarian situation in Darfur.

Mr. Motoc (Romania): Romania voted in favour of resolution 1564 (2004) for the following six reasons.

First, we find the text before us to be a follow-up consistent with resolution 1556 (2004), which laid down the policy course defined by the Council in its treatment of the situation in western Sudan. That resolution received wide support in the Council, and we considered it the framework resolution for the Council's consideration of the Sudan/Darfur question.

Secondly, the resolution fulfils the major test we all imposed upon ourselves, namely to achieve a fair balance between acknowledging progress where credit is due and, on the other hand, continuing to provide energetic and continuous encouragement to the Government of Sudan to deliver in full on the commitments and pledges it made to the international community and to its people, and with the sense of urgency imposed by the unfolding human drama in the Darfur region. The resolution is equally balanced when it recognizes the rebels' share of responsibility and when it calls upon all parties concerned to comprehensively address the full spectrum of political and security challenges confronting Sudan at present.

Thirdly, the resolution contemplates sanctions. It does not prescribe their automatic imposition, which remains a matter of an adequate, gradual approach in keeping with evolutions on the ground. This is respectful of Romania's view that we should be able to keep working with the Government of Sudan in cooperatively implementing commitments jointly entered into by that Government and the international community. This was an important reason back in July for the decision by Romania's foreign minister to visit the country in the hours following the adoption of resolution 1556 (2004).

Fourthly, the resolution recognizes regional ownership at work in this crisis situation and encourages and supports further contributions by the African Union to address the crisis in the western part of Sudan. This resolution also adequately reflects the architecture of cooperation displayed in support of the United Nations addressing the Darfur situation in conjunction with the African Union, the European Union and many individual nations from Sudan's neighbourhood as well as from all over Europe, Asia and America. That approach is essentially important for Romania as a proponent of an updated and consolidated reading and practice of Chapter VIII provisions in our times. In this context, we look forward to hearing from the current Chairman of the African Union — the head of State of Nigeria — when he addresses the Council next week.

Fifthly, a considerable amount of information and evaluation on Sudan/Darfur has been gathered lately at

the level of European Union institutions as a result of many ministerial, parliamentarian and non-governmental visits and missions on the ground. European policy formulations based on that extensive feedback from the ground point in the same direction as pronouncements from Washington and other capitals and with the views of the Secretary-General of the United Nations, and these are all consistent with the philosophy behind resolution 1564 (2004), just adopted.

Sixthly, in our twenty-first-century world, it should not be possible for the international community — for the Security Council in particular — to confine themselves to only taking a political look at events that involve tens of thousands of victims of targeted violence, especially when we hear no denial of such tragic reported facts. There should be no moral hesitation in the Council in taking up its responsibilities. While it may be true that it is not for the Council to make legal findings, it is certainly within its political, legal and moral obligation to ring the alarm bell and foster — and, indeed, urge — proper consideration of such acts in the appropriate venues.

Sudan is an important country for Romania, as it is, I am persuaded, for all of us. We all do care for the people whose lives are at risk there. In any future consideration of the Darfur question, we should therefore strive further to have the Council speak with a unified voice. Romania undertakes to continue to work in that direction.

To sum up, Romania supported resolution 1564 (2004) as an important act of the Security Council in the discharge of its responsibilities under the United Nations Charter, trusting that it will make a difference on the ground for all people who are suffering or at risk in the Darfur region of Sudan, which is the ultimate credibility test for our work and our presence in the Council. The ability of the Security Council to respond to international crises is also the ability of the Security Council to explain simple things to common people asking straightforward questions such as: why are so many people now dead or suffering in Sudan? What are we doing about this? By adopting this resolution, we are also trying to respond to those simple questions.

Mr. Baja (Philippines): The Philippines voted in favour of resolution 1564 (2004), just adopted by the Security Council. The resolution gives hope to the victims of the human catastrophe now taking place in Darfur and challenges the conscience of the international community to come to their aid with bread and with justice. Resolution 1564 (2004) also signals to the parties in Sudan — the Government, the rebel groups and the militias — that they must save lives and protect the population's dignity and property, even as it acknowledges the measures that the Government in Khartoum has adopted towards that end and gives it time and space to do more. A State has the responsibility to protect its citizens, and, if it is unable or unwilling to do so, the international community — the Security Council — has the moral and legal authority to enable that State to assume that responsibility.

We endorse the leadership role given to the African Union, aimed at the peaceful conclusion of the crisis and the protection of the welfare of the people of Darfur.

The adoption of resolution 1564 (2004) also shows that the Security Council can and will act under circumstances similar to those obtaining in Darfur. We endorse that course of action and therefore voted in favour of resolution 1564 (2004).

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Spain.

Spain believes that the resolution we have just adopted, which my delegation joined in sponsoring, serves the purposes the Council has always held foremost throughout the crisis before us, in particular relieving the suffering of the civilian population in the Darfur region, ending the conflict in that area and putting an end to impunity for grave violations of international humanitarian law.

The resolution's text is balanced. While acknowledging the positive steps taken by the Sudanese authorities since the adoption of resolution 1556 (2004), in particular with regard to access for humanitarian assistance, it also clearly notes that much remains to be done in order fully to comply with the Council's demands and to fulfil the commitments made by the Government of Sudan. In particular, there is as yet no adequate indication that the Government of the Sudan has taken effective measures to disarm and neutralize the armed militias, in particular the Janjaweed. Nor has it ended the attacks against the civilian population.

In spite of the progress made compared to the situation prevailing just a month and a half ago, regrettably, the Darfur region remains the scene of serious violations of human rights and international humanitarian law. For that reason, the Security Council cannot neglect its responsibilities; it must act accordingly.

In order to find a reasonable solution to this situation, the Government of Sudan must not only continue but also enhance its cooperation with the African Union. In that regard, the resolution just adopted strengthens the leadership role of the African Union, which was already recognized in resolution 1556 (2004) and which, in our view, must by supported by Member States and by other international organizations if the African Union itself requests such support. We hope that promises to cooperate with the African Union will soon be fulfilled by means of sufficient and well-defined steps.

This is undoubtedly a conflict that has repercussions, especially regional ones, but the threat it also poses to international peace and security requires the participation of the entire international community in order to assist in finding the solution.

I wish to underline the resolution's request for the Secretary-General rapidly to establish an international commission of inquiry to investigate the facts impartially and independently and take the first steps to prevent impunity for those responsible for committing atrocities, no matter what group they belong to.

Echoing the conclusions adopted on 13 September by the General Affairs and External Relations Council of the European Union, Spain fully supports the African Union's action in the Abuja talks under the auspices of President Obasanjo, whom we hope to hear in the Security Council at a special meeting on 24 September. In that regard, I underline the fact that the resolution we have just adopted pressures both the Government of the Sudan and the rebel groups the Sudan Liberation Movement Army and the Justice and Equality Movement to negotiate in good faith and with urgency in order to find a lasting solution to the conflict.

We also believe that nothing that occurs in the Abuja negotiations or on the ground in the Darfur region should hinder a quick resumption of the Naivasha process dialogue on the north-south conflict, which also must be urgently concluded.

My Government trusts that the Government of the Sudan, as testified to by its letters addressed to the President of the Security Council, will comply with the Council's requests and fully cooperate with the Secretary-General and his Special Representative, with the African Union in all aspects of its action in this crisis and with the international commission of inquiry once it is established and undertakes its tasks.

The Council must maintain all these questions under consideration in order in the future to be able to take the right measures without any kind of automaticity or prejudice.

I now resume my functions as President of the Security Council.

I now give the floor to the representative of Sudan.

Mr. Erwa (Sudan) (*spoke in Arabic*): First, I wish to congratulate you, Sir, on your assumption of the presidency of the Council, and I thank you for your cooperation with us and for opening the door for dialogue in these very difficult circumstances.

The Security Council finally concluded its consultations on the appropriate means to enable my Government to continue to honour the commitments undertaken following the hasty adoption of resolution 1556 (2004) on 30 July 2004. That had barely occurred when we saw a fatal blow delivered to the tireless efforts undertaken by my country and to the progress of the negotiations overseen by the African Union under the chairmanship of the President of Nigeria, Mr. Obasanjo, in Abuja. Thus, the people of my country in general and the citizens in Darfur have seen their hopes for prosperity and peace dashed following the submission of the draft resolution just adopted.

The Government of Sudan has shown that it has honoured its commitments as dictated by its responsibilities towards our citizens throughout Sudan. The clearest testimony to that commitment is precisely the report of the Secretary-General and the briefing by his Special Representative, which unequivocally describe the achievements made in other areas and the spheres in which action remains to be taken in order to implement resolution 1556 (2004).

We wish to reaffirm here the ongoing nature of our commitment, despite our deep conviction that many paragraphs in the resolution adopted today represent the worst form of injustice and indignity. The

members of the Council know better than anyone that the roots of the problem lie in the country's economic and social backwardness. Hence, we wonder whether the sanctions measures will help to resolve the problem or whether, on the contrary, they will in fact complicate it by hindering measures aimed at solving it. Moreover, the reference in resolution 1556 (2004) to measures under Article 41 of the Charter is linked to actions to be taken only in the event of non-compliance by the Government.

All in this Chamber are familiar with the Secretary-General's report and heard the briefing of Jan Pronk, his Special Representative. Did either reflect any judgement concerning the Government's failure to respect the resolution? They did not. Despite the poor quality of today's resolution and some of its injustices, it does include a reference to the cooperation provided by my Government. Why do some insist on punishing the Government of the Sudan despite its cooperation, which is beyond doubt?

We again draw the attention of Council members to the fact that the attention of the entire world is focused on the search for justice and credibility in the way nations are treated. Is selectivity being avoided? Are internal crises in developing countries exploited for the sake of political objectives or to conceal practices or crimes committed against other peoples? Such questions could lead to praise for countries within this body that have consistently supported law and justice and seek dialogue with integrity, while respecting the principles of the Charter, which will always triumph over evil. The history of this Organization is replete with moral stories in that respect.

The quality of the resolution might have been improved by delaying its adoption and avoiding the hasty action urged by certain countries. That has led to an unfair text that aims solely at achieving the political objectives of its sponsors. The resolution's focus runs totally counter to the Secretary-General's report, the briefing of his Special Representative and the true situation on the ground. It adopts an approach that sets the Government against the people of Darfur. It discourages the latter from seeking a solution to the current crisis, rather than encouraging them to maintain cooperation and ongoing participation towards peace and prosperity.

In that respect, the Council has frequently noted that peaceful negotiation is the best way to address the situation in Darfur. We have spoken out repeatedly against the Council's sending any signal that might have a negative impact on the negotiating process under way. Such an ill-advised approach was apparent in the severity of the text of resolution 1556 (2004), which led to the failure of negotiations in Addis Ababa in July due to the intransigence of the rebel groups following its adoption, despite the fact that progress had been made. Moreover, the strenuous efforts recently made by the United States, motivated by the ferocious political campaign under way there, along with the resolution adopted today, have led to the failure of the negotiations in Abuja, even though both parties were on the verge of reaching agreement on the second agenda item on security matters. Thus, the rebels refused even to sign the humanitarian protocol.

The haste and pressure associated with today's resolution are due to the fact that the text aims only at pleasing the United States Congress, which believes itself to be the sole conscience of the world and that it enjoys the divine right to decide the destinies of peoples, whereas it would appear rather to be a case of the emperor's new clothes. Millions of other people, however, are not blind to its shortcomings. They see its daily crimes, its murder of women and children, and its destruction of homes throughout the world — in Afghanistan, Iraq and Palestine — as broadcast on our television screens. Moreover, it tortures prisoners and innocent people in prisons in Afghanistan, Iraq and Guantanamo.

While we can understand the position of certain States — even of those that voted in favour of the resolution, sponsored it or spoke honestly in the informal consultations — we shall overlook those that support injustice simply in order to join the ranks of the quartet of tyranny. We are surprised, however, by the position of one State that we thought to be more honest than the country that has always perpetrated injustices in an extreme, partisan and entirely subjective manner. That State must have believed the Sudan to be an easy target, allowing it to atone for its sin of joining the international coalition in the illegal war against Iraq.

The adoption of the resolution has torpedoed all negotiations and undermined the African Union's efforts, spearheaded by President Obasanjo with all his African wisdom. Proof of this is that at the last minute

the rebels set impossible conditions, which were drawn from the text of the draft resolution as originally submitted to the Council.

We hope that the Council will be honest with itself in claiming to support the efforts of the African Union. It should devote careful study to the resolution it has just adopted to see whether it truly addresses the issue justly, objectively and without superficiality. History will be the best judge of that.

The President (*spoke in Spanish*): I thank the representative of the Sudan for the kind words he addressed to me.

Mr. Danforth (United States of America): I had not intended to speak further until, unfortunately, the representative of the Sudan strayed from the point of our deliberations and launched what we would consider to be an unseemly and uncalled-for attack on the United States: an attack which was totally off the point that is now before the Security Council.

The point before the Security Council, once again, is to protect the people of Darfur, who have been suffering terribly and in a way that is unique in the tragedies of the world today: suffering from armed attacks by militias, but also directly by the Government of the Sudan; suffering from attacks after the Government of the Sudan reached a ceasefire agreement, after the Government of the Sudan issued the joint communiqué with the Secretary-General relating to commitments on disarming the Janjaweed, and after the Security Council adopted resolution 1556 (2004) — attacks involving helicopters, shooting into civilian villages.

That is the issue that is before the Security Council. It does not have anything to do with the broadside just launched by the representative of the Sudan against the United States.

The President (*spoke in Spanish*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 5.05 p.m.